

SERIAL NO. 10/650,397**PATENT
Docket RAL919990139US2****REMARKS**

This Amendment filed with this RCE is in response to the Final Office Action mailed 05/05/2005. Claims 14-23 are rejected under 35 U.S.C 102(e) as being anticipated by US Patent No. 6,404,752 of Allen, Jr. et al. The Examiner report states; "this rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another" or by an appropriate showing under 37 CFR 1.131."

Applicants have chosen to remove the reference by filling a declaration under 37 CFR 1.132, herewith. In this declaration applicants clearly state that they are the inventor of the subject matter to the extent describe in the subject patent. Applicants contend the declaration is legally acceptable evidence and - in the absence of evidence to the contrary - is sufficient to establish that they are the inventors of the subject matter in issue.

In addition, applicants direct the attention of the Examiner to MPEP 716.10 (page 700-269, REV.2. May 2004) which in part states: "An uncontradicted 'unequivocal statement' from the applicants regarding the subject matter disclosed in an article, patent, or published application will be accepted as an establishing inventorship". In re DeBaun, 687F.2d 459, 463, 214 USPQ 933, 936(CCPA 1982).

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It is applicants' contention that the issue at hand falls clearly within the cited paragraph. Therefore, U.S. Patent 6,404,752 should be removed as reference against claims of the present application. In essence, the inventive entity for the current application unequivocally state --in accompanying declarations-- they are the inventors of claims set forth in this application. There are no evidence in the record to contradict this unequivocal statement. Therefore, the declaration of applicants should be sufficient, without further showing, to remove this patent as reference against the claimed invention. With this reference removed there are no other reference applicable and as such the claims should be allowed.

Event though applicants believe that the declaration from the inventors of the present application --submitted herewith-- is sufficient to remove U.S. Patent 6,404,752 as reference against the claims of the present invention in a good faith attempt to expedite prosecution of this application a declaration from the two inventors which are on the subject patent but are not inventors on the present application are submitted herewith. The two inventors, James Johnson Allen, Jr., and Santosh Prasad Gaur, disclaim inventorship in the subject matter of the present application to the extent it is disclosed in US Patent No. 6,404,752 on which they are inventors. It is applicants' position that these two declarations under 37 CFR 1.132 are sufficient without more to remove US Patent No. 6,404,752 B1 as reference against the present application.

In addition, applicants maintain Claims 15, 16, 17, 20, 21 and 23 are not anticipated by US Patent No. 6,404,752B1. In order for a reference to anticipate

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claimed invention every element and feature of the claims must be found in a single reference. When this test is applied US Patent No. 6,404,752 does not disclose the details or features set forth in Claims 15, 16, and 17. In particular, these claims refer to the lookup definition table as set forth in each one, respectfully. Contrary to the Examiner's position applicants have reviewed US Patent 6,404,752 B1 and could not find a suggestion or reference to the lookup definition table as set forth in these claims. As a consequence, applicants contends that the subject Allen, Jr. et al. reference does not anticipate these claims.

Likewise, US Patent 6,404,752 B1 does not anticipate Claim 20 which recites detail of the leaf data structure. No such reference of a leaf data structure is shown or described in US Patent 6,404,752 B1. Applicants are aware of the Examiner's position in which he refers to several parts of the reference suggesting these parts disclose the detail of Claim 20. Applicants have reviewed the entire reference including the pages refer to by the Examiner and respectfully disagree with the Examiner's conclusion. Instead, applicants conclude that the detail of this leaf structure is not disclose in US Patent 6,404,752B1. Therefore, Claim 20 is not anticipated by the reference.

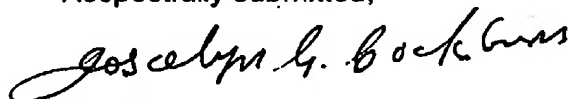
Likewise, Claims 21 is not anticipated by US Patent 6,404,752. Claim 21 calls for a data structure in which the direct leaf is stored in direct table entry and includes a search control block and a pattern to be compared to a search key. This structure could not be found in the '752 reference. Therefore, Claim 21 is not anticipated by the reference.

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Finally, Claim 23 is not anticipated by US Patent No. 6,404,752B1. Claim 23 calls for a structure for the pattern search control block as set forth in the claim. No such teaching or suggestion could be found in the Allen, Jr. et. al reference. The Examiner at page 5 of the Office Action seem to suggest that the support or teaching for Claim 23 is to be found at (col. 37, lines 10-65) of the reference. In reviewing the reference there is no Column 37. Therefore, this appears to be an inadvertent error by the Examiner. Notwithstanding, this error applicants have reviewed the Allen, Jr. et al. reference and have concluded that no reasonable construction of the teachings could be construed to suggest or teach Claim 23. As a consequence, Claim 23 is not anticipated by the reference.

It is believed that the present amendment answers all the issues raised in the Final Office Action mailed May 5, 2005. Reconsideration is hereby requested and an early allowance of all the claims is solicited.

Respectfully submitted,



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